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AN ADDRESS

DELIVERED BEFORE THE

VOLUNTEER ENCAMPMENT,

AND A LARGE CONCOURSE OF CITIZENS.

AT THE CAPITOL, IN MILLEDGEVILLE,

ON THE 4TH OF JULY, 1857,

BY HERSCHEL V. JOHNSON.



FEDERAL UNION POWER PRESS,
MILLEDGEVILLE, GEORGIA,

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C O R R E S P O N D E N C E.

Encampment of the Volunteers of Georgia, at Milledgeville, }
JULY 4TH, 1857. }

His Excellency HERSCHEL V. JOHNSON,

Governor of Georgia, &c.,

Sir: At a meeting of the Commanding Officers of the Volunteer Companies of the State, assembled at their Encampment at Milledgeville, the following resolution was passed, which we have the honor, as a Committee appointed for that purpose, to communicate to you.

"Resolved, That we tender to his Excellency Governor H. V. Johnson our thanks for the able and appropriate address delivered by him this day to the Volunteer Companies under our command, and that a copy of the same be requested for publication."

Very Respectfully,

R. A. SMITH,

Commanding the Macon Volunteers.

F. S. BARTOW,

Commanding the Oglethorpe Light Infantry.

T. B. McCONNELL,

Commandante of the Cadets of the Georgia Military Institute.

EXECUTIVE DEPARTMENT,
MILLEDGEVILLE, GA., July 9th, 1857. }

Gentlemen:

Pressing engagements have prevented an earlier reply to yours of the 4th inst., in behalf of the Volunteer Encampment, requesting a copy of my Address for publication.

It was prepared in great haste and under unfavorable circumstances. Hence, I yield to the request, with reluctance.

The occasion, however, was novel, in Georgia, and the public will doubtless be curious to know all that transpired. It is proper that they should be gratified.

If the Address should have the effect to awaken attention to the importance of the topics it discusses, I shall feel that the criticism to which it may justly be liable, is a small price for so valuable a result.

With great respect,

Gentlemen,

Your ob't serv't,

HERSCHEL V. JOHNSON.

Capt. R. A. SMITH,
F. S. BARTOW, } Committee.
T. B. McCONNELL,

SOLDIERS OF THE VOLUNTEER ENCAMPMENT:

The promptness with which you have responded to the call, to meet in encampment, is as honorable to yourselves as it is complimentary to the movement. It argues a proper appreciation of the military spirit, and gives assurance, that the gallantry of our revolutionary sires animates their sons.

Of course, such a collection of the volunteer corps of the State must present the appearance of display, which the time and place conspire to augment. You have been convened on the 4th of July, in order, that the reminiscences which it awakens may fire our patriotism and love of liberty. You have been convened at your State capital, in order that the influence, it is intended to produce, may radiate from the centre and extend throughout our entire limits.

But the object of this convocation is not mere display. It is to bring the volunteers of the State into contact, that they may cultivate relations of friendship, witness each other's skill in the military art and thus cherish that spirit of chivalry, so much needed in Georgia, and so essential to the preservation of liberty.

There are three great securities of popular rights, under our peculiar form of government: the ballot-box, the jury-box and the cartridge-box. To the first two, I shall allude in another part of this address. It is appropriate now to invite special attention to the necessity of a well organized militia, in a government like ours. This was seen and felt by its founders, and particularly dwelt upon by the Father of his Country, in his Farewell Address.

If we look back to our revolutionary war, we find that the Colonies had no standing army; that they relied upon the virtue, patriotism, fortitude and courage of a citizen soldiery. The government under which we live, is the fruit of their success. If we examine the annals of history, I believe not a single example can be found, where popular liberty and a large standing army have flourished together. Hence, the demonstration is complete that, a citizen soldiery, trained to domestic virtues, in time of peace, and enamored of liberty, by the blessings it confers, may be safely relied upon, as the best protection against invasion, from without and insurrection, within.

Far distant be the day, when it shall be necessary for us to re-

sort to war, in defence of our republican institutions. But can it be expected never to come? Can we hope, against the experience of all ages and nations, to be always exempted from the necessity to draw the sword? In a country so vast, with interests so conflicting, and the social institutions of one section, so different from those of another, is it possible, to enjoy uninterrupted tranquility? Such anticipations are too happy to be realized. We may not dispense with the "eternal vigilance" which "is the price of liberty," nor neglect, with impunity, "in time of peace to prepare for war." In a word, though it should never become necessary, yet it is the lesson of patriotism and wisdom, since the necessity may arise, to hold ourselves both ready and willing to fight for our rights.

But we have no standing army. It is hostile to the genius and spirit of our government. How then shall we defend ourselves against foes, either external or internal? We must trust to the militia.

But we are an agricultural, laboring, peaceful people. The great majority have not the time to study and practice the use of arms. Still organization and discipline are indispensable. How are these to be obtained? Experience has shown, that our State Militia system is totally deficient; respected by few and scarcely obeyed by any. Cast your eyes over our State; you hardly find a single district that is fully officered. It is rare to witness a general muster. Our people are unarmed; they are totally unprepared for an emergency. The evil is too serious to be borne; our welfare and safety require its correction. What then is the remedy?

It is indispensable to have a sufficiency of men, with military education to officer our militia. We have made one step towards it, by the establishment of the Georgia Military Institute. This school is destined to graduate annually, a corps of men qualified to discharge all the duties of the soldier and citizen. As a Georgian, I feel the deepest interest in its success, and I am proud to welcome its Cadets and Academic staff to our Volunteer encampment.

Something like organization must be secured. Nothing, in my judgment, would contribute so much to this, as the establishment of, at least, one volunteer corps, in every county in the State. This, of itself, would constitute a force of seven thousand men, ready to obey the summons to arms, who, by their skill and discipline, would form the nucleus of an army equal to any emergency. I would therefore encourage the formation of such com-

panies all over the State. It can be done effectually by a very simple stroke of legislation. Let a law be enacted, exempting every citizen from militia duty, for life, except in case of war, who shall have served a specified number of years, in a volunteer company. This would not only lead to their organization, but, in a very short period, it would produce a strong force of retired, but practised men, to do battle for their country, in the hour of necessity. In addition, the legislature would give efficient encouragement to the formation of volunteer companies, by fixing a small annual commutation tax, in lieu of military duty, at the option of the citizen who might prefer to be relieved entirely of duty, in time of peace. This would raise a handsome military fund which might be used in the procurement of arms and equipments.

We are lamentably deficient in arms. The militia force of Georgia cannot be less than seventy thousand, legally liable to service. What proportion of these have arms? If we except the volunteer companies, the proportion is absolutely inappreciable. The annual quota received by Georgia, under the act of Congress, for arming the militia of the United States, is inadequate, even for the supply of volunteers. It is in vain to rely upon that. But the Legislature, with a small expenditure—trifling indeed, compared with the object to be obtained—may supply the deficiency, by founding an Armory, for the manufaecture of arms and munitions of war. Experience has shown, that, in other States, where such works have been erected, they have, at least, sustained themselves, without being a charge upon the public treasury, beyond the outlay for their first establishment.

I will not pause to elaborate these suggestions. They will commend themselves to reflecting men, who feel a deep interest, in seeing Georgia placed on a footing for self-defence and self-preservation. In the exhibition this day presented, we have the assurance, that the revival of a proper military spirit, strikes the public mind, as a work of necessity. Else why this vast concourse of mature manhood and female beauty? Is it merely to witness an idle pageant? No. They have assembled, Soldiers, to compliment your chivalry, to encourage this movement by their presence, and to testify their approval of whatever looks to the honor and welfare of our beloved State. They will not be disappointed, either in the interest of the occasion, or the salutary influence it will produce.

Having made these random reflections, it only remains for me to extend to you a cordial greeting, and bid you welcome to the humble hospitality prepared for you.

FELLOW CITIZENS:—Little more than a hundred years ago, Georgia was a wilderness. Civilization, with timid tread, crept like a fawn, along her extreme eastern border. In 1803, it had reached only to the Oconee; and within the memory of many now present, the place we occupy was then the wild forest home of the more wild and treacherous Indian. Nor was this his last resting place, within the limits of the State. Treaty after treaty, from 1803 to 1836, extinguished, by piecemeal, his title to the soil, and gave margin for the expanding circle of civilization. What a mighty history is crowded into this period of a hundred years! I speak not of the history of the whole country, but of the annals that record the progress of Georgia. What was she then; what is she now? From weakness, she has grown to strength. At first, the twig bending before the breeze; now the majestic oak, striking deep its roots and lifting its mighty arms to Heaven, to welcome the sunshine and defy the storm.

The history of the world affords no parallel to her rapid growth, in civilization and power. We revert to Greece and Rome and dwell, with enthusiasm, upon the genius of their poets, philosophers, statesmen and warriors. We praise their arts and sciences, and we often lapse into admiration of their governments, their laws and their liberty. But Greece was a thousand years old, before she reached a point, to make her conspicuous in History, and at the age of five hundred years, Rome was inferior to Georgia, in all the attributes of a powerful and prosperous State. Great Britain is the illustrious model of civilization, in modern times. But she is more than ten centuries old.

It is pleasant to contemplate the past progress, present prosperity and future prospect of Georgia. If time permitted, it would be instructive to recount the virtues of her great men, who, having adorned her escutcheon, now sleep with their fathers. The names of Oglethorpe and Habersham; Bulloch and Gwinnett; Houston and Walton; Hall and Elbert; Telfair and Irwin; Jackson and Tatnall; Milledge and Early; Rabun and Talbot; Clark, Troup and Forsyth, all demand the tribute of grateful remembrance. The resting places of some of them are not even marked by monumental stone. But the State itself is their monument, rising and expanding in grandeur and magnificence, as each generation of their successors place upon the towering pyramid the trophies of their intelligence and enterprise.

Georgia now contains a population of more than one million souls. Her taxable wealth is nearly six hundred millions of dollars. Her agriculture yields annually, fifty millions. Her

surface is checkered with more than a thousand miles of Railroad, facilitating commerce and travel and inviting tribute from the valley of the Mississippi, from California and from the Islands of the Pacific. Her career resembles the marvelousness of romance; the future promises more than imagination can conceive. Who then, is not proud that he is a Georgian? Whose heart is so cold, that it does not throb with a quicker pulse, at the mention of her name? Who, that will not consecrate to her advancement and glory his noblest energies? Who will not respond to the sentiment of the saered poet, and adopt the language of his harmonious verse?

"If e'er this heart forget,
 Her welfare or her wo:
Let every joy this heart forsake
 And every grief o'erflow.
For her, my tears shall fall,
 For her, my prayers ascend;
To her, my toils and cares be giv'n
 'Till toils and cares shall end."

But Georgia is emphatically *e pluribus unum*—but one of thirty-one confederated States, each resembling her, in prosperity and power. Thus multiplied by thirty-one, what a magnificent picture, for contemplation, does our Republic present! What a territory—stretching from Ocean to Ocean! How diversified! How prolific of all that is needful to supply human want or to gratify luxurious taste! How majestic its mighty rivers, the highways of commerce! How grand its mountain ranges, abounding with inexhaustible mines of mineral wealth! But what is all this, compared with the thrift, energy and enterprise of the increasing millions that throng city, town and hamlet, that cultivate the soil, navigate the rivers, perforate the mountains and plow the mighty deep? What, compared with the glowing future, when the number of States shall be doubled and their population and wealth increased to their capacity for sustentation and production? Taking a still wider range of vision, we see our starry ensign visiting every corner of the civilized world, the messenger of peace, if possible, but the synonym of victory, if despotism or insolence dare assail the eagle, over which it floats. Then the whole, grouped into one sketch, possesses a moral power that charms the devotees of liberty, everywhere, and extorts reluctant respect from the gloomiest despotisms that pollute the globe. The pictures of the painter and the statues of the sculptor win the admiration and excite the sensibilities of those only, who can appreciate the truly beautiful in art. But here is some-

thing that challenges the admiration of universal humanity; it is the Goddess of Liberty, adorned with the Heavenly drapery of Christianity. With benignant eye, she invites the nations to her altar, and with outstretched arm, she offers "peace on earth and good will to men."

The question springs spontaneously, whence, this magic national growth? Whence, such prosperity, such power, such high civilization? The reply is found in the Declaration of Independence.* It is the result of the principles of liberty announced on the 4th of July, 1776, triumphantly vindicated by the war of the Revolution and organized into governmental institutions, by our State and Federal Constitutions.

It would be, both pleasing and appropriate to dwell upon the scenes of the Revolution—its trials and sufferings; its toils and sacrifices; to visit its battle fields—Lexington and Concord; Monmouth and Trenton; Bunker's Hill and Yorktown—enriched with the blood and bones of the mighty dead; to indulge in eulogy of the courage, heroism, fortitude and skill of Washington and the illustrious officers who led our forefathers to victory. These, none of these, are ever to be forgotten, whilst history shall keep its record or liberty find a devotee. Let their rehearsal inspire the lessons of the nursery, animate the patriot, and exalt the aims of the Statesman, in the Cabinet, and the soldier, in the field. As Americans, we glory in such a history; as freemen, we are proud of such an ancestry. Such feelings are honorable to ourselves, and due, as a debt of gratitude, to those who struck the successful blow for Independence. The return of this anniversary does (and may it ever) kindle the vestal flame of patriotism upon the altar of every heart that loves liberty. But we honor our forefathers most, by seeking to perpetuate the fruits of their labors, whilst we shall fail of our great mission, if we expect to preserve our title to freedom, upon any principle of pride of ancestry. It is not enough, that we have "Abraham to our father." To partake of the blessings of the political covenant of our revolutionary patriarchs, we must emulate their virtues and practice their precepts of political wisdom. We must study and understand the principles of government which they bequeathed us, that we may maintain them, with a fidelity and courage like theirs.

Hence, I propose to point out, very briefly, the leading cardinal principles of the Declaration of Independence; how they

*The reading of the Declaration was dispensed with, on account of the threatening state of the weather.

are wrought into our State and Federal Constitutions, and how they promote the growth and prosperity of these United States.

A careful student of the Declaration cannot fail to discover, that four great truths lie at the foundation of its gigantic structure, viz: The *Equality* of the people; the *Sovereignty* of the people, and, as corollaries from them, the *right of suffrage*, and the *right of representation*, in the Legislature. "We hold these truths to be self-evident, that all men are created equal." This is the announcement of the equality of the people. "That to secure these rights (life, liberty and the pursuit of happiness,) governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it and institute a new government, laying its foundation on such principles, and organizing its powers, in such form, as to them shall seem most likely to effect their safety and happiness." This is the announcement of the sovereignty of the people. "He has refused to pass other laws, for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature." This is the announcement of the right of representation, in the department of government, clothed with the law-making power. "He has combined with others to subject us to a jurisdiction, foreign to our Constitution and unacknowledged by our laws; giving his assent to acts of pretended legislation," (among other things,) "for imposing taxes on us without our consent." This is the announcement of the right of suffrage. These declarations startled the world by their novelty, and kindled the wrath of despots, because they weakened the foundations of their thrones. But they were discoveries, not inventions. They are as old as the existence of the human race. The law of gravitation is inherent in the organization of the material universe, and it regulated its motions long before Isaac Newton discovered its existence. As its demonstration imparted beauty and method to the whole cycle of physical science, so the vindication of these fundamental political propositions, shed a new light upon the theory of government, and is destined to redeem the world.

A critical examination of the catalogue of grievances enumerated in the Declaration, will show, that each and all, more or less directly, involved violations of these principles of popular liberty. And this is the key that unlocks the philosophy of our revolutionary struggle. Our forefathers were not en-slaved, in fact, by the mother country. They were freemen; they felt

like freemen ; they were subjects of the best government, that had ever existed, and they enjoyed, in considerable measure, the blessings of British liberty. During *their* day and generation, they might have borne the wrongs of which they complained. For what were they, compared with the perils, hardships and bloodshed of the war in which they engaged ? But the time had arrived, when the issue must be made and met. On the one hand, was the doctrine of the "Divine right of Kings," upheld and sustained by force—the bayonets of standing armies, reveling in the splendor and pomp of royal patronage. On the other, were these principles of the Declaration. The one was surrounded by all the imposing circumstance of kingly power ; the others claimed no consideration from an astonished world, except the merit of their simple majesty. How momentous the issue ! Gladly might England, had she been wise, have redressed the enumerated wrongs, but for the recognition of the principles, which inspired the complaint with its intensity of utterance ; and well might the heroes of '76 have submitted, but for those same principles which their oppressors despised. But they were denied on the one hand, and fought for on the other. History records no contest so unequal and yet so noble—so unequal in all the elements of warlike prowess—so pregnant with the momentous interests of mankind. What was Great Britain ? The mistress of the seas, in commerce and arms ; almost unlimited, in her territorial dominions, and inexhaustible, in resources. Renowned for the discipline of her troops and the skill of their leaders, she was the victor of almost every battlefield, for a decade of centuries. Yet the Colonies, weak in population, poor in resources, without an army and without a navy, dared avow their Independence and staked "their lives, their fortunes, and their sacred honor," in the contest. We witness the sublime, in the movements of nature—in the march of the tempest, the shock of the earthquake, the eruption of the volcano, the heaving of the ocean—but they are tame, in comparison with the majesty and grandeur of that eventful struggle.

But in view of the state of political science, at that time, we are perhaps, less amazed at the *event* of the Declaration, than at the ability and eloquence, with which it shadows forth the true basis of correct government. The right of the strongest to rule is the foundation of every form of government, no matter how various may have been its modifications, from the most ancient, to the date of the separation of the Colonies. The Republics of Greece rested on a broader basis ; and it is not to be denied,

that political theorists have occasionally verged upon the conception of more liberal and rational ideas. But it is nevertheless true, that the principle, as stated, has been predominant, however sedulously its apologists sought to dignify it by terms, that might commend it to the ignorant and make it tolerable to the intelligent. As the right to govern belonged to the strongest, so his supremacy must be maintained by force. Hence, a standing army has always been an inseparable accompaniment—a necessary institution of tyranny. Although the government of Great Britain contained some concessions and modifications, yet, both in theory and practice, it claims to rest on the authority of "Divine right"—the sophism which covers the odiousness of the principle. The House of Commons, it is true, is chosen by election; but it is allowed, as a matter of favor, by the hereditary "powers that be," not as a recognition of the supremacy of the will of the people. George III, like all his predecessors (and I may add, his successors), claimed to be King, by "the grace of God," not by the choice of the people; and by the "grace of God," the Lords enjoy a hereditary eligibility to seats in the upper House of Parliament. In a word, the government, even down to the present time, has never relinquished this doctrine of despotism, or acknowledged, by word or deed, that all legitimate political power resides in the people. The authors of the Declaration and their predecessors had been indoctrinated into habits of reverence for the political teachings and institutions of the mother country. History learned them no other. In addition to their allegiance, they were strongly attached to her by a thousand ties of blood, lingual identity and a common Christianity. How amazing therefore, the clearness of perception, with which they grasped the true theory of government, despite their loyalty and the musty disquisitions, in which the sycophantic apologists of royalty obscured the truth! The English language furnishes no political document, so cogent, in argument, so concise, in narrative, so lucid, in arrangement, so eloquent, in thought and expression, as the Declaration of our Independence.

The triumphant vindication, by the sword, of the principles of the Declaration, rendered the Colonies separate political communities, independent of all the powers of the earth, and independent of each other—each clothed with "power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things, which independent States may, of right, do." Hereditary titles to nobility, exclusive privileges and monopolies, the union of Church and State, the law of primogeni-

iture, were all swept away. Despotism and monarchy, in all their forms, were utterly and forever repudiated. Hence, the difficult task was devolved upon the Colonies to organize governments upon the basis of the Declaration, in forms "most likely to effect their safety and happiness." If possible, this was a more important and delicate undertaking, than the revolution itself. Failure would have lost them the fruits of their victory; whilst upon their success, was suspended all that is most valuable to a people—their social happiness, their advancement in civilization, and their security against foreign assault and invasion.

Having repudiated monarchy, the desideratum was to establish governments upon the principles of the absolute equality and sovereignty of the people. The plan adopted was, at once, simple and beautiful. They called to their aid the representative feature, to avoid the cumbrousness and anarchical tendencies of pure Democracy. They distributed and assigned to appropriate departments, the three great elements of government—to the Legislative, the law-making, to the Judiciary, the law-expounding, and the Executive, the law-executing power. In their selection and constitution, the whole people are heard through the ballot-box, so that each department reflects their will. Each department is separate from and independent of, the others; each is specifically limited and confined to its appropriate sphere; each is prohibited from trenching upon the province of the others; each is an effectual check upon all the rest, so that oppression, injustice and usurpation cannot permanently exist. So long as any one of the Departments continues pure and upright, it may correct the errors and abuses of the others; when all shall become corrupt, they will be purged by the paramount authority of the popular will. Upon these principles, the Colonies organized themselves into Republican State governments and adopted written Constitutions, accurately defining the powers of their several departments. This was all that was required, to enable them to effect their domestic happiness, and to advance, in internal commerce and prosperity. But they needed a common bond of Union, for protection against hostile invasion, and to maintain successful relations of friendship with foreign powers. Hence, the Articles of Confederation of 1778. A very short experience however, demonstrated the inefficiency of the government, under them, to answer the purpose designed. They were deficient, not that they did not confer ample powers upon Congress, but that those powers could not be executed, except upon the vote of nine of the thirteen States. It was a provision of the Articles

of Confederation, that "The United States, in Congress assembled, shall never engage in war, nor grant letters of marque and reprisal, in time of peace, nor enter into any treaties nor alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defence and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels, to be built or purchased, or the number of land or sea defences to be raised, nor appoint a Commander-in-Chief of the Army and Navy, unless nine States assent to the same." Under such a restriction, the Confederation was wholly incapable of expeditious action, however great the emergency; and four of the thirteen States might defeat any measure of Congress, relating to the subjects embraced in this Article. The Confederation, in truth, was little more than an advisory council. In the language of an able political writer of that period, "by this political compact, the United States, in Congress assembled, have exclusive power, for the following purposes, without being able to execute one of them. They may make and conclude treaties; but can only recommend the observance of them. They may appoint ambassadors; but they cannot defray even the expense of their tables. They may borrow money, in their own name, on the faith of the Union; but they cannot pay a dollar. They may coin money; but they cannot purchase an ounce of bullion. They may make war and determine what number of troops are necessary; but cannot raise a single dollar. In short, *they may declare everything, but do nothing.*" Hence, the supercession of the Confederation was a work of necessity.

In 1787, under the recommendation of Congress, the Convention of delegates from all the States, except Rhode Island, framed the present Constitution of the United States.

This was a most perilous undertaking. The equality and sovereignty of the people were fundamental ideas. They were the darling objects of the revolution. Too careful jealousy of them unquestionably caused the failure of the Confederation. Hence, the task was to frame a Constitution, which would sufficiently enlarge the powers of the general government, without infringing the equality and sovereignty of the people. The problem found a simple solution, by the process of an easy and rational generalization. The people of each State were equal; the sovereignty resided in them. Transfer these propositions to the several States, in their corporate character, and the difficulty

is removed—that is to say, the States were equal and sovereign. Each had “full power to levy war, conclude peace, contract alliances, establish commerce and to do all other acts and things, which independent States may, of right, do.”

On this platform, they met, in Convention. The fact, that they convened, in pursuance of a recommendation of the Congress of the Confederation, does not abate the force of this proposition, in all the fullness of its import. The second Article declares, “That each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not, by this Confederation, expressly delegated to the United States, in Congress assembled.” But even if it were true, that the Confederation destroyed and diminished their equality and sovereignty, still, when they assembled in Convention to frame a new Constitution, it was in their primary character, vested severally with all their fundamental political powers. The Confederation could not limit or restrain their action. They were superior to it.

Having traced the inweaving of the principles of the equality and sovereignty of the people, in the formation of the State governments, by the aid of the ballot box, representation and distribution of powers, it is needless to dwell upon the same features and characteristics of the federal government. It is sufficient to remark, that it is framed upon the model of the several State governments. It is only necessary therefore, to enquire, whether, in point of fact, these fundamental principles do run through, and are recognised in, the Constitution of the United States.

Is the *equality* of the people preserved? Its announcements on this point are clear and explicit. It says, (*Art. 4, Sec. 2,*) “The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.” Every citizen is eligible to the highest offices of honor and profit, except the office of President, which can be held by a native citizen only. “No title of nobility shall be granted by the United States. (*Art. 1, Sec. 9.*)

Is the *equality of the several States* recognised? We have seen that they met in Convention in their separate sovereign capacity. All political sovereignties are equal; therefore they were equals, before the formation of the Constitution; and since each made precisely the same delegations of power, they remain equals still. “If equals be taken from equals the remainders are equal.” But, in express terms, the Constitution puts this question

beyond contradiction. It declares (*Art 4, Sec. 1.*) that "Full faith and credit shall be given, in each State, to the public acts, records and judicial proceedings of every other State." Each State, irrespective of territorial dimensions, is entitled to two Senators in Congress. "No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another." (*Art. 1, Sec. 9.*) These and many other clauses of the Constitution show, that its framers were jealous and watchful of the equality of the States. They determined to entrench it with safeguards which Congress could not overlook, without criminal blindness or wicked infidelity to their great trust.

Is the *sovereignty* of the States impaired by the Constitution ? They have not parted with any portion of their sovereignty. Without intending to be irreverent, political sovereignty, like the Omnipotence of the Creator, is incommunicable. It cannot be alienated. It is inherent in the people. It is their birthright. They did not intend, and they could not, if they had so intended, to confer upon the Convention power to surrender their sovereignty. It was of the essence of their liberty, the choicest jewel for which they waged the war of the Revolution. It is, and must be, throughout all time and under all circumstances, the foundation of correct government. To part with it is to build the superstructure upon quicksand. For the sake of convenience and concert of action, the right to exercise powers appertaining to sovereignty may be conferred upon a common agent. This is just what the States did. They constituted the general government their agent, invested it with powers and agreed, that they would not use those powers themselves, so long as it shall confine itself within the scope of its authority. The Constitution is the written enumeration of those powers, and a description of the manner in which, and the extent to which, they may be exercised and exerted. It is unquestionably true, for it is so declared, "That the Constitution and laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." (*Art. 6.*) But this was intended, neither to deny the sovereignty of the States nor to invest it in the United States, but to guard against the great defect of the Confederation, which was, as we have seen, the absence of all power to do anything, without the consent of nine of the thirteen States. In other words "the people of the several States, regarded as parties to the constitutional compact,

have imposed restrictions on the *exercise* of their sovereign power, by entering into solemn obligation to do no act inconsistent with its provisions, and to uphold and support it within their respective limits." To put the question forever at rest and to exclude any other conclusion, the Constitution declares, "That the powers not delegated to the United States, nor prohibited by it to the States, are reserved to the States respectively or to the people." (*Amends, Art. 10.*)

If to these views we add the historical facts, that the delegates that composed the Convention, represented the several States, as separate communities, and not the people of all the States collectively; that, in the decision of all questions, the vote was taken by States, and each counted as one vote, that the Constitution was ratified by the States, separately, in their corporate, not in their united character, and that it was not binding on any, until thus ratified by nine, and not at all, upon any that might not thus ratify it, then, the doctrine of State equality and State sovereignty stands demonstrated with irresistible clearness.

It is not intended to assert that, in the formation of the Union, the States surrendered nothing. They surrendered everything necessary to establish a government, potent for security against aggression, from without, and the promotion of the "general welfare," within; and the States bound themselves to abide its administration, so long as it confines itself within the limitations of its powers. The Convention stated what is emphatically true, in their address, on the submission of the Constitution to Congress. "It is obviously impracticable, (says the address,) in the federal government of these States, to secure all rights of *independent* sovereignty to each, and yet provide for the interest and safety of all. Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend, as well on situation and circumstance, as on the object to be obtained. It is, at all times, difficult to draw, with precision, the line between those rights, which must be surrendered, and those which may be reserved; and on the present occasion, this difficulty was increased by a difference among the States, as to their situation, extent, habits and particular interests. In all our deliberations on this subject, we kept steadily in our view that which appears to us the greatest interest of every true American, *the consolidation of our Union*, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration seriously and

deeply impressed our minds, led each State, in the Convention, to be less rigid on points of inferior magnitude, than might otherwise have been expected. And thus the Constitution which we now present, is the result of a spirit of amity and of that mutual deference and concession, which the peculiarity of our political situation rendered indispensable." Hence, they did not surrender their sovereignty. They did surrender their *seperate independence* to the extent of the delegated powers. Their independence, outside of the Union, consisted in the right of each, vindicated by the revolution, and acknowledged by the treaty of peace, of 1783, to exercise all the powers appertaining to sovereignty, as well those delegated to the general government, as those reserved to the States. But experience had demonstrated, under the Articles of Confederation, that their common safety and welfare, could not be successfully promoted, so long as each retained its *independent sovereignty*, that is, its right to exercise, by itself and for itself, those powers which are delegated to the general government, as specified in the Constitution. Hence, the surrender of a part of their *seperate independence* to the Union; and hence, the Union consists, not in the investment of the general government with sovereignty, but with such *independence* as constitutes it a *political power*, capacitated to maintain itself, as such, by the use of the grants specified in the Constitution. But it has no original or inherent powers; they are all derived from the States. It is supreme within its constitutional sphere, but, by the express consent of the States, not by virtue of sovereignty. It has no sovereignty; it is the creature of the States. When it acts, it does so, as the agent of the States and they are bound by its act, under, and in pursuance of, the Constitution, because it is their act, by their agent.

Such is the form of our system of government, State and federal, based upon the fundamental truths of the equality and sovereignty of the people, nicely balanced and adjusted by the aid of the principles of representation, and the division of powers. It is the crowning glory of the revolution and the great wonder of modern times. For seventy three years, it has operated successfully; and whatever may be its fate, it will constitute, through all future generations, an imperishable monument to the wisdom of its authors. Pyramids of stone and marble temples will crumble to dust, but it will survive,

"As some tall cliff that lifts its awful form,
Swell from the vale and midway leaves the storm;
Though round its breast the rolling clouds are spread,
Eternal sunshine settles on its head."

The growth of the United States, in wealth, population and power, under the operation of this government, is unexampled in the history of the world. In everything that adorns and dignifies society ; in everything that elevates and ennobles humanity, we have attained a height, scarcely ever reached by any former nation. That which, in other times, has been the work of ages, has been accomplished here, in three-fourths of a century ; and it is all the legitimate result of the principles to which it gives activity and supremacy. How ? By the freedom of mind, labour and capital. *Mind, Labour, Capital* ; these are the great instruments of human progress. Impart to them motion, in the right direction, and set before them the rewards which stimulate human energy, and society must go forward, with a necessity, as inevitable, as the revolution of the planets, to a destiny as illustrious and sublime as the noonday splendour of millennial glory. This is the wonderful achievement of our political system. It leaves each individual to the utmost liberty, compatible with the welfare of all. It gives unlimited scope to mind, in the domain of art and universal nature, to labour, in every department of busy enterprise and to capital, in every channel of diversified employment.

Ambition and the desire for acquisition are perhaps the strongest passions of the human heart ; and they are legitimate, so long as they are subordinate to virtuous ends. They lead to the highest developement of character and the most vigorous exercise of energy. Our political system offers to both the richest rewards. What can be more stimulating than the doctrine of the equality of the people, and the consequent eligibility of every man to the most elevated offices of honor and profit ? How many and striking are the examples, in this country, of attainment to the highest positions, the achievement of enduring fame, and the accumulation of immense wealth by those who have sprung from the walks of obscurity ? Examine our catalogue of illustrious men—of the dead and the living—and you find enrolled the names of those who have carved their destiny, unaided by the adventitious circumstances of birth and patronage. Ask philosophy and art, who have been their most enthusiastic and successful votaries ? Ask, who, by the power of eloquence, have swayed most effectually the entranced multitude, deliberative assemblies and religious congregations ? You will learn, that they have been men of humble origin, animated by a powerful ambition and nerved by the necessity which poverty imposes. Let the despotisms of the old world fetter the freeborn intellect, prescribe rules for conscience, in politics and religion,

repress the elasticity of struggling genius, levy contribution upon capital and labour to sustain the luxury and corruption of hereditary rank, employ standing armies to awe into submission, the toiling millions ; but here, in the land of Washington, virtuous merit is the passport to distinction—the only recognised patent of nobility.

“ Honor and fame from no condition rise ;
Act well your part—*there* all the honor lies.”

The preservation of our government is the most solemn trust ever devolved upon any people. Despotism, in every form, is easily maintained. It rests upon force, and it may be perpetuated by force, so long as it can wring from downtrodden labour, the means of rewarding its mercenaries. Its vital principle is the will of the ruler. That, according to the doctrine of Kings, knows no end, but the interminable line of hereditary descent, no limitation of power, but that of lawless discretion, no check upon passion, but the gratification of its insatiable cupidity. Nothing can close its career, but the upheaving of the degraded masses, in the resistless energy of their desperation ; and then the result of the struggle, at best, is nothing but a change of masters. What better account than this, does history give of the governments of Europe, for more than a thousand years ? Its pages teem with the recital of war and carnage which sends back the blood, in freezing currents, to the heart : of the overthrow of dynasties and empires, in measured succession, like the changing pictures of the diorama. But what does it all signify ? What has it accomplished for human liberty ? Without intervening day, night has followed night, each more starless than the preceding. Such, we have shown, was not the fruit of our revolution. When the tempest was over, the sky was serene and pure ; when the night retired, it gave place to the dawning sun of liberty ; when our forefathers shook off the yoke of the mother country, as the lion the dew from his mane, they erected the fairest fabrie of government ever conceived by human wisdom or reared by human skill ; a government that exalts and dignifies those who live under it, and exerts, by the potency of silent example, a benign influence upon every cline that is visited by the light of civilization and christianity. Years have flown by and borne our fathers to their eternal rewards. Washington and Adams, Jefferson and Madison, with their illustrious compeers, all are gone. The revered men of the battle lines, whose names find no place, in the thrilling history of their deeds, have passed away. We remember how they toiled through the gloomy

watches of that night of the revolution ; how they endured hardship and privation and death. Theirs was the day of trial ; ours is the day of prosperity, in fruition of the blessings which they purchased, at the price of their flowing blood. How shall we preserve and transmit them to future generations? How shall we redeem our obligations to those who will succeed us? How shall we fulfill the expectations of the gazing nations, who rest in the "valley of the shadow of death," and turn their longing eyes to this last star of hope, that glitters in the political firmament ? The responsibility is upon *us*, in all the emphasis of its unspeakable solemnity. We must meet it with courage and fidelity.

The nature of our government, and the fundamental truths on which it is founded, point out the only means by which it can be preserved.

From the view we have taken, we learn that it is a government of limited powers, clearly defined in the Constitution. Hence, a strict construction of that instrument, by those entrusted with the administration of its several departments, is of vital importance. In no other way, can the reserved rights of the States be maintained. In no other way, can the federal, avoid infringing the powers of the State governments. Usurpation must lead to dissatisfaction and discord between the States, and, if persisted in, to dissolution. On this point, it is impossible to be too sensitive and vigilant, in detecting, or too prompt and resolute, in checking aggression. Let the people see to it, that their agents do not claim to be their masters.

Again : we have seen that our government, in its genius and spirit, is popular—founded upon the principles of the equality and sovereignty of the people—the supremacy of their will. Its vital element is the maxim, that "man is capable of self-government." Hence, every citizen, however humble, sustains the most intimate and important relation to every department of the distribution of its powers. The judiciary, the legislative and executive, are but reflections of the people's will and the agencies through which it is executed. In monarchies and despotisms, the supreme power resides in the throne ; the people have but to obey. Here, the reverse is true. The people rule, and it is for public functionaries to obey their behests. How important therefore that they be intelligent and virtuous !

Glance for a moment, at some of the most common duties and responsibilities which devolve upon every citizen.

The right of suffrage stands first in importance ; for it is by the ballot-box that all the momentous measures of State policy are

determined. For the settlement of the gravest questions of constitutional construction, it is the last peaceable resort. Look at the tremendous issues which have agitated and still agitate the public mind—a tariff for protection, internal improvements, a national bank, our foreign intercourse, the rights of the States, in their relation to the federal government, the disposition of the public territories, the institution of domestic slavery, with others of less magnitude. How are they to be settled? By the people, at the ballot-box. How solemn then is the duty of suffrage! It connects each citizen with the entire machinery of government. Each vote tells upon the result, and may determine the fate of the Republic. For a time, the people may follow their leaders, and vote according to their dictates, without disaster; but ultimate wreck to the ship of state is inevitable, unless they be sufficiently enlightened to comprehend, at least, the leading principles of the constitution, and to form their own opinions upon the vital questions which they are called to decide. Intelligence, to discern the wiles of the mere partisan, and virtue, to resist the seductions of the designing demagogue, cannot be dispensed with, except at the sacrifice of our dearly bought freedom.

The conservation of the public morals and social order, and the protection of life, property and reputation, is the highest aim of government, without which, liberty itself is but “sounding brass and a tinkling cymbal.” For this purpose, the enactment of wholesome laws is nothing, without their firm, faithful and just execution. Hence, the value of an enlightened and conscientious judiciary. It is the grand balance wheel of our political system—the regulator of its operations, the harmonizer of its discords, the arbiter of its disputes, the refuge of safety for the oppressed, the wronged and persecuted. Of this department, every citizen forms a part, and participates in the administration of justice; and thus the jury-box is as important a feature of our political system as the ballot-box. Who passes upon the criminal, charged with the violation of public law? Who sits in judgment upon your life, your property, and your reputation? Who vindicates your rights when assailed by the wicked and the lawless? It is a jury of twelve men, taken indiscriminately from the ranks of society; and shall they not be enlightened and honest? If, from their deficiency in these qualities, you have no hope of redress when your rights are invaded and society no guaranty of public morals, and no security against the violent and vicious, trial by “wager of battle” will soon take the place of “trial by jury,” and wild anarchy, smiling upon the ruins of our judicial tribunals,

substitute its bloody reign, for the blessings of regulated liberty.

But, fellow-citizens, your wearied patience admonishes me bring my remarks to a close.

We have pointed out the great principles of popular liberty for which our forefathers drew the sword and shed their blood. We have considered how these principles are wrought into the fabric of government which they established. We have indulged in pleasing reflections upon the happiness and prosperity which we enjoy under its benignant operation; and we have learned, that it can be preserved only by a strict construction of its powers, and the prevalence of intelligence and virtue among the people. Let us then, rise to a proper apprehension of our duties and responsibilities. Let us appreciate the great trust confided to us, for our posterity and the world. Let us insist, that all who take part in its administration, shall keep within the bounds of the constitution. Let us say to headlong fanaticism, "thus far shalt thou go and no further." Let us discountenance sectional strife and cultivate the spirit of political fraternity. Let us promote education and morality among the people, by the encouragement of institutions of learning, and the diffusion of pure christianity. Thus we may anticipate a bright and prosperous future, and transmit our republic unimpaired to the latest generation.

LIST OF OFFICERS

OF THE VOLUNTEER COMPANIES IN CAMP, AT MILLEDGEVILLE,

JULY 4TH, 1857.

CADETS—*Georgia Military Institute*.—Col. A. V. Brumby, Superintendant; Maj. McConnell, Commandant of the Corps. COMPANY A, Capt. John Milledge; 1st Lieut. J. C. Watters. COMPANY B, Capt. Geo. W. Thomas; 1st Lieut. W. H. Smith. COMPANY C, Capt. W. L. Sykes; 1st Lieut. J. G. Blount. COMPANY D, Capt. Geo. W. Lamar; 1st Lieut. G. W. McDade.

LIBERTY INDEPENDENT TROUP—*Liberty County*.—Capt. T. W. Fleming; 2d Lieut. W. G. Thomas, acting 1st Lieut.; 3d Cornet, W. L. Walter, acting 2d Lieut.; 1st Sergt. B. S. Scriven, acting Cornet.

IRISH JASPER GREENS—*Savannah*.—Capt. John McMahon; 1st Lieut. John Foley; 2d Lieut. J. B. Foley; Ensign, Murphey.

SAVANNAH VOLUNTEER GUARDS.—Capt. J. P. Scriven; Ensign, W. S. Basinger, acting 1st Lieut.; 1st Sergt. W. L. Houpt, acting 2d Lieut.; 2d Sergt. G. W. Stiles, acting 3d Lieut.

COLUMBUS GUARDS.—Capt. P. J. Semmes; 2d Lieut. W. C. Hodges, acting 1st Lieut.; 3d Lieut. W. G. Clemons, acting 2d Lieut.

MACON VOLUNTEERS.—Capt. R. A. Smith; 1st Lieut. A. G. Butts; 2d Lieut. J. Knight; 3d Lieut. B. M. Polhill; Ensign, R. J. Wood.

OGLETHORPE INFANTRY—*Augusta*.—1st Lieut. Jas. O. Clarke, commanding; 1st Sergt. H. B. Adams, acting 1st Lieut.; 2nd Sergt. J. T. Miller, acting 2d Lieut.; 3d Sergt. J. N. Andrews, acting 3d Lieut.

CITY LIGHT GUARDS—*Columbus*.—Capt. P. H. Colquitt; 1st Lieut. J. Hamilton; 2d Lieut. Wm. Turner; 3d Lieut. D. C. Jackson; 4th Lieut. W. A. King.

REPUBLICAN BLUES—*Savannah*.—Capt. J. W. Anderson; 1st Lieut. W. H. Davis; 2d Lieut. J. R. Johnson; Ensign, John Oliver.

OGLETHORPE LIGHT INFANTRY.—*Savannah*.—Capt. F. S. Barlow; 1st Lieut. W. B. Jackson; 2d Lieut. J. Godfrey; Ensign, C. Way.

BALDWIN BLUES—*Milledgeville*.—Capt. W. S. Rockwell; 1st Lieut. E. J. White; 2d Lieut. G. P. Doles; 3d Lieut. L. W. Wall; Ensign, John Haas.

FLOYD RIFLES—*Macon*.—Capt. Thos. Hardeman; 1st Lieut. Ross; 2d Lieut. H. L. Ellis; 3d Lieut. S. B. Day.

PUTNAM RIFLES—*Eatonton*.—Capt. J. R. Branham; 1st. Lieut. R. B. Nisbet; 3d Lieut. A. F. Griggs, acting 2d Lieut.; Ensign, B. F. Mosely, acting 3d Lieut.; 1st. Sergt. R. T. Davis, acting Ensign.

UNITED RIFLES—*COLUMBUS*.—Capt. F. G. Wilkins, 1st Lieut. E. H. Musgrove, 2d Lt. L. B. Duck, 3d Lt. F. M. Brooks, 4th Lt. G. W. Spellman.

CLINCH RIFLES.—*AUGUSTA*.—Capt. C. A. Platt, 1st Lieut, J. D. Butt, 2d Lieut. J. G. Marshall, 3d Lieut. D. R. Ansley.

WASHINGTON ARTILLERY.—*AUGUSTA*.—Capt. D. Kirkpatrick, 2d Lieut. G. D. Barnes, 3d Lieut. J. J. Jacobus.



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